

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Joe Pace Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. Rich DiLucia led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:03PM)
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Walter Bryson made a motion to approve as submitted the Ordinance Committee minutes of May 1, 2013. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Ronald Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council. With no one wishing to speak **Cncl. Ronald Garbowski** made a motion to close the Public Portion. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council in attendance.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

D.) ORDINANCES FOR REVIEW

- **Sign Ordinance**

Cncl. William Sebastian noted the ordinance included with the meeting packet just adds language for penalties it does not address his concerns with whether LED signs should be permitted on Main Street. The original ordinance drafted by Len Schwartz and Tim Kernan allows illuminated signs in every zone with the exception of residential and Cncl. Sebastian questioned whether Council wanted them throughout the municipality except in residential zones or restrict them to commercial zones. He spoke of how the ordinance included in the packet only allowed signs with a 50 square foot maximum on four lane highways and noted that language is a little ambiguous. He questioned does that mean a six lane highway can only have a 32 square foot sign or that anything under four lanes has a maximum of 32 square feet. Cncl. Sebastian felt there would be challenges to this ordinance as opposed to the LED ordinance that Tim Kernan proposed and Council discussed and sent to the Planning Board, which tweaked it and sent it back to Council. The only thing left undecided in that ordinance was what zones those signs would be allowed in. Mr. Fiore added and whether they would continue to be allowed on Main Street and if so what the size would be. Cncl. Sebastian explained once a decision is made regarding where those signs would be allowed if anyone wants one outside of that permitted area then they can go before the Zoning Board of Adjustment to seek relief from the ordinance. Mr. Fiore noted if Council wants those signs permitted in all zones with the exception of residential some conditions/criteria should be established. He explained conditions can be placed on replacement of existing signs but in the case of a new business the sign would be addressed as part of the site plan application. He spoke of how most towns do not allow those types of signs in their historical districts and Cncl. Sebastian added many people are complaining that the Grand Theatre's digital marquee detracts from the historical relevance of the building while other people say it's great. He noted the banks, several businesses and even the Township have illuminated signs along Main Street and other people are waiting to put them up once the ordinance is adopted rather than going through the Zoning Board of Adjustment where restrictions may be imposed. Mr. Fiore noted they can go through the Board and there is no way they can be denied. Cncl. Sebastian noted Main Street is zoned Town Center, which permits everything. Residential could be located right next to a commercial property that has a 50 foot sign with a maximum of 25 square feet lit so Main Street could end up looking like a little Las Vegas, which is why this issue was on this agenda for discussion. Cncl. Sebastian requested Council think about these issues so that this matter can be discussed at the next Ordinance Meeting.

- **Dealers In Precious Metals, Gems And Secondhand Goods**

Cncl. Sebastian noted Det. Sulzbach indicated in his memo the only concerns Mr. Fera had was the \$300.00 fee to license with the municipality and the \$250.00 fee for the internet software program but in reviewing the draft ordinance he didn't see a \$250.00 fee for software stated anywhere in it. Mr. Fiore explained that is not included in the ordinance that cost was included in some of the research Det. Sulzbach did. Cncl. Sebastian questioned whether Council was making it mandatory for dealers to purchase software without knowing what the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

D.) ORDINANCES FOR REVIEW

fee will be. **Solicitor Fiore** explained that fee could be as high as \$500.00 because it will be controlled by the market and that probably will change every year as more towns subscribe to this. **Cncl. Walter Bryson** noted he read this ordinance over numerous times trying to find something in it that was beneficial to the town but instead he found he had many concerns with it. He felt our current Precious Metals Ordinance covers all bases while the proposed one restricts businesses, portions are unconstitutional, it has on overreach into electronic repair and sales, the cost to dealers is too high, it applies to all transactions such as flea markets and it turns the Police Department into the FTC (Federal Trade Commission), as it requires the police to justify issuance or repeal of business licenses and that is not their job. The current ordinance regulates gold and silver and he questioned why Council wants to regulate antiques, electronics and everything else. **Solicitor Fiore** invited Cncl. Bryson to come to municipal court to see the number of cases involving kids stealing from their neighbors and selling the items to legitimate businesses in order to buy drugs. He explained the current ordinance does not address those kinds of things and the proposed one may not be a perfect ordinance but it is very well written. He referred to Cncl. Bryson's comments about the ordinance being unconstitutional and said anytime you are trying to regulate people's freedom on some level it is unconstitutional, however, local and state governments have the ability to regulate our lives. The police department brought this to the forefront as a result of the letter we received from Mr. Kaiser, attorney for Fera's Jewelers. Mr. Kaiser was concerned about the time period for the retention and display of the items Fera was purchasing so Gene Sulzbach and Steve Farrell, who are very qualified reviewed the issue and searched around New Jersey and Maryland to see what was out there and they came up with a pretty good piece of legislation. Local government is allowed to do a balance test and this ordinance does charge a fee to the vendor but it also regulates things and provides a more direct route for the police department to investigate through the internet. This ordinance avoids the need for police officers to visit businesses to physically look at items because they will now be on line, so from a law enforcement standpoint, this is much more efficient for the Police Department. Cncl. Bryson noted he would go to court to listen but, if those people are in court, they were arrested without this law, which does nothing except take people's rights away. He noted according to this ordinance if he wanted to sell something he would have to hire a vendor from this township and he refuses to do that. **Solicitor Fiore** explained he would not need to do that because he is not a commercial entity. Cncl. Bryson expressed his concerns that the definition of a dealer was "*any person, partnership, corporations or other entity*" and people could turn that language around to be unconstitutional and he does not want that in this town. **Solicitor Fiore** explained the definition on page 3 defines dealers and designated vendors it does not refer to people selling items. Cncl. Bryson felt the definitions point to individuals and individual transactions. **Cncl. Rich DiLucia** noted he has not read the ordinance as thoroughly as Cncl. Bryson but his understanding of what it will accomplish is that it will make sure dealers buying coins, precious metals, or other things such as cell phones and lap tops are reputable, because many are not. He gave the example of salvage businesses and how there is no accountability in regards to who sells iron/metal or where they got it from so it's a real problem to find out if those items were stolen. He noted when gold and silver gets smoldered it's gone so if dealers don't take a driver's license and a name and maintain that information for a period of time the police have

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

D.) ORDINANCES FOR REVIEW (cont'd)

no way to find stolen items. Originally Mr. Fera had a problem with how long he had to maintain the gold he purchased due to the price of gold being so volatile but Council addressed that and he was happy about that. The gentleman from the Farmer's Market, who buys to sell to collectors was concerned about the ordinance because he barely makes enough money to pay the rent and cannot afford to pay for this system. Cncl. Bryson recommended Council read the ordinance through a few times and then answer how he could sell something to someone outside this town without breaking the law. Mr. Fiore explained Cncl. Bryson is not a dealer so the ordinance does not apply to him. Cncl. Bryson referred to the language in the ordinance, which states transient buyer/transient seller and noted the ordinance should be re-written to protect the merchants in this town and residents selling their own items should not be restricted. Cncl. Sebastian noted the ordinance does not restrict the seller; it restricts the buyer of gold because he is the one who is responsible to say where he got the item, of taking pictures of it and holding it for five days. The seller does not fill out anything. For IRS tax purposes State and Federal laws require buyers to keep records of amounts paid for items, who he bought them from and what his return was on the items. Cncl. Bryson went on to express his objections to the proposed ordinance and Council discussed the differences between the current Precious Metals ordinance and the new one proposed by the Police Department. Much discussion took place regarding whether the definition of dealer and seller should be changed, what the intent of the ordinance is and how it is being interpreted. Solicitor Fiore noted the definition of merchant in our current precious metals ordinance is the same as dealer in the new ordinance and the only things being expanded on are gems and second hand goods because of the current market for used items. Cncl. Bryson noted he would not have any objections if there was something also written in the law that didn't restrict him, as a citizen from selling items to someone outside the township but this law only allows people to sell to dealers in town that pays \$300.00 for a license. Cncl. DiLucia spoke of his recommendation that requires sellers of items to be paid by check, not cash, because checks memorialize who sold the goods. Solicitor Fiore pointed out that whenever you do "*Statutory Construction*", which is construction of an ordinance, you cannot look at a word in isolation. He explained under the definition of dealer one could correctly come to the decision that it affects individuals but according to the context of Section 237.3 under "*Initial License Application Process*", the Statutory Construction interpretation says "*every dealer intending to conduct business within the jurisdiction of the Township shall first make application*". If a judge looked at this he would not look at it in the context of a one on one transaction he would look at it whether they are conducting business within the Township of Monroe and it is very safe to assume, the judge would consider conducting business is regular business not a one-time transaction. The ordinance goes on to talk about a dealer as a business entity and in the business context. He explained Cncl. Bryson's interpretation is correct if you just look at the one section but you must look at the context of the entire ordinance. He felt the ordinance could be reviewed and tweaked to safeguard some of Cncl. Bryson's concerns but he recommended when doing Statutory Construction, Council not look at the word in isolation but look at it in the context of the paragraph and subheading it is under. Cncl. Bryson noted when Council reviews this they should look at the specifics because this ordinance states a person doing something two times is considered a dealer and that is the type of thing that needs to be tailored. He noted certain items such as antiques cannot be traced

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

D.) ORDINANCES FOR REVIEW (cont'd)

but other things have serial numbers that can be traced. Solicitor Fiore explained the crooks are more sophisticated than the people trying to find their items. He noted a person that sells a dining room set in August, a kitchen set in January and den furniture in May would not be considered a dealer under this ordinance but a person that goes around and buys liquidated estates and has a garage full of used furniture would be. Cncl. Sebastian spoke of how items stolen have more than monetary value to the person it was stolen from and how with this ordinance the police will no longer need to go to every jeweler within a twenty mile radius looking for stolen items; they will be able to go on line to look for the items. Cncl. Bryson felt they could go on line now without dealers paying \$250.00 for a software program. Cncl. DiLucia noted the police would like a centralized database for all townships but he questioned whether Council wants to impose restrictions that require dealers to purchase a certain software package because that could be a deal breaker for certain businesses such as the coin dealer who came before Council at the last meeting and said his business is slow and will not bare the expense of installing that equipment. Cncl. Bryson noted the ordinance should be written for the protection of the people in addition to doing something to make things more convenient for the jewelers. Solicitor Fiore noted it is also a law enforcement tool that protects the people. Cncl. Sebastian recommended this discussion be tabled until the next meeting so he can check with Det. Gene Sulzbach to see if any of the other dealers contacted him with any concerns over the ordinance.

Business Administrator, Kevin Heydel reported the Mayor met with the Williamstown Fire Chief and Monroe Township EMS Chief and EMS will be attending the truck housing on Saturday, June 8th. Mr. Heydel reported he spoke with Paparone regarding the road paving at Carriage Glen and the main road will be top coated.

E.) MATTERS FOR DISCUSSION

- **Towing Ordinance**

Cncl. Rich DiLucia explained the township has experienced a tremendous loss in revenue due to housing market conditions and the tax appeals that were filed while our expenditures are the same. This year the township will incur about a 10% increase in taxes, which is a tremendous blow to the taxpayers and in looking forward to next year, there is no easing to this problem. The Budget Committee began a process to see where additional revenue sources could be created like any business would do when they have financial problems. We looked at the revenue stream from the ambulance, charging for fire department services and municipal towing. No formal vote was taken but it was the consensus to continue to discuss towing as a revenue source. We are not considering doing the towing ourselves, we are considering bidding it out, how that would be structured, whether it would be bid as individual weeks and establishing what the minimum bid per week would be. Suggestions were made for \$1,000 or \$1,500 per week to keep it reasonable so it would be feasible for someone to bid on. The number of towers could remain at ten, decrease or increase, as the number really doesn't

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

matter. Solicitor Fiore explained we are looking at this conceptually, as any type of fee must have some sort of rational relationship to the business and we need to look into the legalities of doing something like that. BA, Kevin Heydel noted we may have to work with the Traffic Bureau to get an understanding of the number of calls, the number of tows and look at what the market pricing is. A decision needs to be made on whether to bid it out for a year or on a quarterly basis because one quarter may be more lucrative than another so we need to be really careful how it is structured. He recommended getting some historical data from the Traffic Bureau in order to do a financial analysis since we do not have access to vendors to see what their profits are. We do know what they charge, as market values and through that is how we can come up with a rationale. Cncl. DiLucia noted Council began talking about this issue three months ago but nothing has been done and he felt because of the timeline before the new phase of towing comes up this should be addressed and not delayed any longer. He felt it should be bid out as 52 weeks as opposed to quarters, as that would confine it to four towers while the 52 weeks would provide an opportunity for fractional portions for more than one person since we always did have ten towers. He noted he was not saying it should be ten because if one bidder got the bid than one would get the business and it is up to them to turn a profit. Mr. Heydel noted this would be bidding out services and normally a service contract is an annual contract and we should be looking at it in those terms. Mr. Fiore goggled New Jersey bid requirements for towers and found a formula for New Jersey turnpike towers that sets forth charges and regulations. He noted he would need to review the Administrative Code to see if municipalities are permitted to utilize that type of formula, go out to bid and award a contract for towing services. A licensing fee can be charged but it must be related to what it cost the municipality to initially license and enforce it and that would probably be a few hundred dollars. He explained the turnpike formula is 7% of the gross receipts so we would need to define whether the gross receipt is truly the gross number or the adjusted gross number. Cncl. Bryson referred to the comments made regarding some weeks being more profitable for towers and suggested treating this like a condo time share, where some weeks cost more in certain seasons. Mr. Heydel noted that is totally arbitrary because we don't know what that is and we have no way to identify or determine that. Cncl. Bryson then suggested it be bid out on an annual or monthly basis because otherwise there could be some weeks, which are slower that no one would bid on. Solicitor Fiore noted we are trying to accomplish and create a bar or benchmark that would weed out the dabblers and create safety for the public and that is the primary reason for the ordinance. Doing it from week to week or month to month would become cumbersome or arbitrary and capricious. Mr. Heydel was not sure how the Public Contracts Law plays into this and he felt when going out to bid this should be done as an annual contract basis due to the bid threshold and the aggregate amount of services. Cncl. Bryson noted we have a fee for all other businesses in town so Council can consider establishing one for all towers whether we go out to bid or not. Solicitor Fiore suggested this issue be addressed by the Law Committee or Administrative Committee. Cncl. Rich DiLucia suggested it be addressed by the Finance Committee (Cncl. Caligiuri, Dilks and Garbowski). Jack Simmermon was in attendance at the meeting and Cncl. Sebastian questioned him on whether contracts for towing were common in other communities. Jack explained most municipalities want a tower to have trucks able to cover from motorcycles to tractor-trailers. The turnpike requires towers to have specific

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

equipment and that is what this town must start doing because the little mom and pop towers can no longer handle it. It's just like comparing union roofers in the city that have big high reaches to the little guys with a pickup truck and ladder who cannot bid those jobs. Washington Township requires certain equipment, certifications and storage pens while we have guys that can't fill out applications so who says they know how to tow a car. Mr. Fiore questioned whether there were any towns that bid it out. Mr. Simmermon replied yes, Pennsauken and Cherry Hill but they are dealing with big companies like Heilmers, Cioffi's, Riehl's and Battelini' and they are the guys that deserve the work because of the equipment they have invested in and no matter what happens, they have the manpower and equipment to get the job done. He noted on a weekly basis a tower must handle from Tuesday night midnight to Tuesday night midnight. If he only has one truck he still has to cover whether there is one accident or five accidents, it cannot be rolled into the tower scheduled for the next week. Right now, we have two towers with good equipment. Everyone said that could not be done but now, it's been proven, it can be and there is a possibility, it could be done with only one guy but for now, the township is happy with two. Out of the ten guys on the list some may have been qualified while others were not. He noted the township does not buy dump, trash or fire trucks from some guy building them in his backyard, those trucks are purchased through bigger companies. Cncl. DiLucia noted he doesn't care if we have one tower after going out to bid if they comply and are willing to pay what Council says is the minimum requirements to perform the job. Mr. Heydel noted he and the Solicitor will research this to see how the information he found on line could be applicable to our municipality. Cncl. Bryson questioned if this is put out to bid could it be restricted to local towers. Mr. Fiore replied no, not under the bid process but he felt response time could be included in the bid specifications. Jack Simmermon noted there could be issues with owners getting to their vehicles if out of town towers are utilized and tow vehicles miles from town. He noted he would get some information from the Garden State Tower's Association on this and questioned if the ordinance would need to be changed to bid towing contracts. Cncl. Sebastian explained the ordinance would just go away, as everything would be included in the bid specifications. Solicitor Fiore explained the Code would state Chapter 262 "Towing" would be deleted in its entirety, as the township will now bid out services in accordance with the lowest responsible bidder statute. Mr. Fiore explained the qualifications will need to be prepared by someone knowledgeable and the lowest responsible bidder is not the person that comes in the cheapest, it is the most responsible qualified person. Jack Simmermon noted he could give Council some ideas like he did before. Some of the tower's didn't like those ideas but five years later what he said is beginning to come about due to hits getting heavier while the cars are being made cheaper with plastic radiators and reservoirs which go everywhere when hit. He noted he has a pickup that goes out with additional cleanup materials and if necessary, a recovery trailer will go out because when cars hit going 60 miles an hour they make a mess. Cncl. Sebastian noted he has always given Jack credit when due and he deserved it for the way he handled an accident that shut down the road at Poplar and the Pike. It would have taken the State another half hour to clean up the roadway but Jack already had it done before the State got there so the road could open. Jack noted the quicker he gets the accident cleared the quicker everything gets back to normal. He spoke of a motorcycle accident by Colonial Estates where all the people from the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

park came out to see what was going on and stayed there for the entire time the police were investigating and he was cleaning up the scene, which was about three hours. Cncl. Sebastian noted the Finance Committee will address this and Mr. Heydel and Solicitor Fiore will research the issues discussed. Cncl. Bryson asked Jack Simmermon if the township could go out to bid for towing services. Jack replied yes and recommended that Council contact Garden State Tower's Association to get information.

Business Administrator, Kevin Heydel requested Council schedule another special meeting for Ordinance O:10-2013 on Monday night, as he told Chief Ferguson of the Cecil Fire Company the funds would be available by July 1st for him to purchase the equipment. Cncl Sebastian requested the Deputy Clerk contact Cncl. Pres., Teefy regarding scheduling a Special Meeting. Dates were discussed and Solicitor Fiore indicated a meeting would need to be held on Monday, June 10th or Tuesday, June 11th as there needs to be ten days between first reading and second reading, which would be on June 24th.

- **Abandoned/Foreclosed Properties**

Cncl. Sebastian noted Cncl. Bryson requested the issue of abandoned properties be placed on the agenda for discussion. Cncl. Bryson referred to Solicitor Fiore's letter of April 29, 2013 and noted it states our current ordinance requires property owners to maintain their properties and that the Cherry Hill ordinance is pertinent to banks taking over properties, which can take a long time. Our current ordinance allows the municipality to maintain properties when needed and then place a lien against it. Mr. Fiore explained "notice" is served upon the owner of record. **Cncl. DiLucia** noted Holiday City residents pay homeowner association fees that cover the \$13.00 per week landscaping cost for cutting grass and the trustees are contending that they cannot recover those costs for the eleven bank owned houses in the development because the banks are refusing to pay. He felt the Holiday City by-laws/covenants may not include recovery of monies from banks and he questioned whether Council could get an interpretation on that and send a letter to the trustees saying that this issue has come to our attention, we researched it and this is what our rights are; either us, as a township or they, as the trustees. Solicitor Fiore questioned whether Cncl. DiLucia had a copy of the Holiday City by-laws, as he would like to review them. Cncl. DiLucia was not sure if he had them but noted to change the by-laws requires a two-thirds vote of every household in the development. The voting takes place in the clubhouse and to put 600 people in there at the same time is a violation of the fire code. Those by-laws were written by the developer and the trustees did not want them changed. The problem is, there is no muscle in them against the banks and it's costing the association about \$100 a week to cut eleven lawns and that is an expenditure the banks should be incurring, not the association. Mr. Fiore noted someone will have to pay those association fees and generally it would be the seller, which is the bank. Mr. Fiore noted he would get a copy of the Holiday City by-laws to review.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

- Chapter 175 - MU Mixed-Use District

Solicitor Fiore explained the amendment to Chapter 175 Mixed-Use Ordinance was to be created as a result of the Blaze Mill litigation, which is scheduled for a Fairness Hearing on June 13th before the court. Mary Beth Lonergan had 28 exceptions to the original report and to Mr. Fiore's recollection those items have not been addressed so he didn't know what will happen with the litigation at the Fairness Hearing. He cautioned Council to be very careful, as this ordinance is very important because it is going to dictate the landscape of that particular zone. Mr. Fiore spoke of Tim Kernan and Len Schwartz preparing the original draft, the discussions back and forth about changes to it and the change he received last night at 4:00 PM from Rick Hoff, the attorney for Blaze Mill. Mr. Fiore noted he wants to compare change one to two and to three, as he is concerned, from a legal standpoint, about some of them. One thing he is concerned about is that it references the Residential Site Improvement Standard Act (RSIS), which the builder's league lobbied State legislators to come up with. RSIS is basically North Jersey standards that deal with the size of roadways and the number of parking spots generally created for places like Amberleigh. He cautioned that if the RSIS is permitted in the Blaze Mill Project the development will have 1.2 parking spots for each three bedroom townhouse. Those parking spots include the pad in front of the house and the garage. Townhouses with three bedrooms usually have parents and kids so there could be four cars in limited parking spaces. Builders utilize those standards but we control what is happening here and need to take a close look at that ordinance when it is brought to us in its final form. In South Jersey there is a big market for townhouses due to the proximity to Rowan University and we entered into the plan because it was good at the time so long as the ordinance does not negatively affect us. The original ordinance addressed the architectural plans and we were going to come up with architectural standards that would be nice rather than just the cookie cutter buildings with vinyl siding and cheap windows, as we can control that through the ordinance. Mr. Fiore was not sure the Fairness Hearing will occur on June 13th or whether the judge will approve it due to a number of loose ends with Blaze Mill, our affordable housing plan and the 28 items that need to be satisfied through the court settlement by COAH. Cncl. Bryson noted it mentions architectural standards but does Council need to come up with those standards before. Mr. Fiore replied no, the settlement is contingent upon the ordinance being passed. He referred to the ordinance and noted it is supposed to be adopted within 45 days and it sets forth certain standards and says "*the plaintiff and the township shall have the unilateral option of terminating this agreement and continue with the litigation*" so if the ordinance is not passed to our satisfaction, either party can decide and if it doesn't pass the plaintiff may threaten to move on with the litigation. Solicitor Fiore noted if the ordinance passes we would not need to settle because that would be permitted according to the ordinance. Mr. Fiore noted it is simultaneous because the agreement must pass first and then the ordinance will be passed but all the criteria Mary Beth Lonergan talked about has to be satisfied by the court. Cncl. Bryson questioned how Council could accept or vote on an ordinance that is a moving target. Mr. Fiore explained Council is not going to vote until that target stands still and is fully understood, as that ordinance will evolve the landscape of the area and we don't want the small roads and the towering townhouses. The original plan proposed under the original ordinance is not bad and was a mechanism to speed up the improvements to roadway, which was part of everyone's thinking

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

when it was moving forward. Mr. Fiore noted he is just concerned about the fact that the ordinance started out at "A" and now has been watered down to "D" and he is not going to recommend Council pass it in that fashion. He added he does not like the concept of "we'll worry about it later", as we need to worry about it now because if it is in ambiguity it will always be construed in favor of the builder due to the strong builder's lobby in New Jersey. Council posed questions to Mr. Fiore regarding the number and size of parking spaces for townhouses. Mr. Fiore explained when the standard is 1.2 parking spots per household and each home has four and five cars and there is not enough overflow parking it causes problems that we are stuck with. He urged Council to see what it's like by riding through Amberleigh, where there is not enough parking for all the cars. Cncl. Sebastian added they tried to have off-street parking perpendicular to the road in certain locations but there are not enough spaces and then Council compounded the problem by adopting an ordinance prohibiting trash cans from being kept in the front yard. Now, residents store their trash cans in their small garages, which will not fit a trash can and car. Mr. Fiore added on trash night no one can park on the street due to the trash cans and trash trucks have probably taken out a couple dozen car mirrors, but they can't help it. Cars can park on both sides of the street but there is only a little room to get through and if someone is moving in, you can't get down the street. He urged Council to drive through the development on Thursday night when the trash is out to see what that development is like.

- **Taxi Cab Ordinance - Amendments**

Cncl. Sebastian noted the Taxi Cab Ordinance is on for discussion because we had an outside licensed taxicab get a ticket when dropping off a passenger because he did not have a license in Monroe Township. Solicitor Fiore noted in looking at all the sample ordinances if you do business in the town you have to be licensed and the concept for that is to make sure taxicabs are insured and the vehicle is registered. Cncl. Sebastian felt our ordinance should apply to taxicab businesses within the Township of Monroe and then include a caveat for outside cab companies, which are licensed in other municipalities where the business is headquartered, that are just dropping people off here. Mr. Fiore questioned whether it is going to be incumbent upon that person to go for their own background check through MorphoTrak, the outside company located in Cherry Hill. Cncl. Sebastian noted by virtue of taxi companies being licensed in other communities they would have already had background checks done in order to get that license. With no other concerns Cncl. Sebastian noted the ordinance will be tweaked and discussed at the next ordinance meeting.

F.) NEW BUSINESS - None

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 6, 2013

G.) OLD BUSINESS

Cncl. Bryson noted Cncl. Pres., Teefy was supposed to ask the MMUA about amending the mandatory water connection ordinance so properties not included in a contaminated zone would not be required to hookup to the municipal water system. Cncl. Bryson explained this effects him along with twenty-five residents of Williamsburg Village and if they sell or rent their homes they are required to connect to municipal water, which is quite expensive. Cncl. Sebastian added when the MMUA installed the water line they never put in the connectors. Cncl. Bryson explained the residents are looking for some kind of relief because they have a commitment in writing from the EPA that if the wells become contaminated those homes will be covered under the spill fund, but there is no commitment from the MMUA, so if a resident leaves they will have to connect and pay the higher connection fees.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of June 6, 2013. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of June 6, 2013 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 8/6/13
Approved as corrected _____ Date _____